

STATE OF MICHIGAN
COURT OF APPEALS

JERRY M. YOUNTS and SHIRLEY YOUNTS,

Plaintiffs-Appellees,

v

TRIPLE CREEK ASSOCIATION,

Defendant-Appellant.

UNPUBLISHED

December 26, 2000

No. 217406

Wayne Circuit Court

LC No. 96-648545-CH

Before: McDonald, P.J., and Neff and Fitzgerald, JJ.

PER CURIAM.

Defendant appeals as of right the order quieting title to the land in question in favor of plaintiffs. We affirm.

Defendant's issues in this appeal center on the forfeiture notice given by plaintiffs, and defendant claims that it is entitled to redeem the property at the amount provided in the land contract. The precise reason behind the trial court's ruling in this case unclear. At one point, the trial court opined that the agreement between the parties had been abandoned. If that was the case, defendant's claims would be misplaced. Following abandonment, a land contract vendee may not demand performance. See *Houghton v Collins*, 344 Mich 175, 180; 73 NW2d 208 (1955). Therefore, if defendant abandoned the agreement, it would not be entitled to any notice of forfeiture, and any defects in plaintiffs' offer of notice would be of no consequence. Further, defendant would not be able to assert any rights that arose out of the agreement, including any right to redeem the property.

In any event, we have reviewed defendant's claims and conclude that, even if defendant did not abandon the land contract and modification agreement, defendant's claims are without merit. Under the modification agreement, defendant was required to quitclaim its interest in the property to plaintiffs in lieu of any right to notice of default or redemption. Therefore, any defects in the notice of forfeiture were of no consequence, and defendant was not entitled to redemption. We are not persuaded by defendant's argument that plaintiff's action was barred by the statute of limitation on contract actions. We hold that the instant action is governed by the fifteen-year period of limitations set forth in MCL 600.5801; MSA 27A.5801.

Affirmed.

/s/ Gary R. McDonald
/s/ Janet T. Neff
/s/ E. Thomas Fitzgerald